

THE  
ORDER OF  
Keeping a Court Leet, and  
Court Baron, with the charges  
appertaining to the same.

Truely and plainly delivered in  
the English tongue, for the profit of all  
men, and most commodious for  
young Students of the Lawes, and  
all other within the jurisdic-  
tion of those Courts, with di-  
vers new additions,  
thereunto added.

*Quicquid agas prudenter agas, & respice finem.*

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L O N D O N,  
Printed by the Assignes of JOHN MORE  
Esquire. 1637.  
*Cum Privilegio.*

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# THE ORDER OF Court Leet and Court Baron.

**I**rst, there shall be a Precept made by the Steward unto the Baille, to warne the Court, by a reasonable time: that is to say, six or moze daies befoze the Court be kept, in such fozm as followeth: But it is the better, if warning be sixtene dayes befoze, as it is in the Common Banke.

## The Precept.

Black-  
ford. **A.** *B. generos. Seneschall Manerii*  
*prædicti Ballivo ejusdem Salutem.*  
*Tibi præcipio pariter & mando, quod diligenter*  
*præmonere facias omnes tenentes infra maneri-*  
*um prædictum, tam residentes quam non residen-*  
*tes, atque omnes tenentes Customarios Manerii*  
*præd', quod sint coram me, in hac parte sufficien-*  
*ter deputato, apud Blackeford prædictam, die*  
*Jovis vicefimo sexto die Martii proxime futuro*  
*A 2 post*

## Court Leet,

post datum huius ad faciendū seclām suam, tam ad visum Frank' pleg' quam ad Curiam Baron' & omnia alia quæ eis incumbunt, & pertinebunt, & hac nullatenus omittas: & habeas ibi hoc preceptum. Datum sub sigillo meo, decimo die huius mensis Martij, annis Regni Iacobi Dei gratia Angliæ, Franciæ, & Hiberniæ Regiæ fidei defensor. &c. secundo, & Scotiæ tricesimo octavo.

After that the steward is set in the Court, he must first enter in writing the title of the Court in the beginning of the Court Rolle, with the name of the place in such forme as followeth.

### *The entry of the Court Leet, and Court Baron.*

*Blackeford.*

**V**isus Franc' pleg' cum curia C.L. generosi Domini ejusdem ibidem, tēte die Iovis, videlicet, vicefimo sexto die Martij, Annis Regni Domini nostri Iacobi Dei gratia Angliæ, Franciæ, & Hiberniæ Regis, fidei defensoris &c. secundo, & Scotiæ tricesimo octavo, tēte per A.B. Seneschallum ibidem.

When that is done, the Steward shall cause the Waylife which serveth the Court, if it be in a Let, to make proclamations, that is to say, three Dyes: and if it be in a Court Baron, then but one, and after shall say as followeth.

All



All manner of persons which had warning to appeare here this day to serue the Kings Majesty for his Læt, and the Lord of the manor for his Court now holden : Draw neere, and giue your attendance, and euery one answer to his name as he shall be called, vpon paine and peril that may fall thereof.

And after all be called, and those that are absent be marked to be amerced, then the Steward shall cause againe (if it be in a Læt) to be made other thrée Dyes. Then after the thrée proclamations made, the Steward shall cause the Bailife to say :

If any will be essoined, come in, and you shall be heard.

And in a Court Baron, if any wil be essoined, or enter any plaint, come in and you shall be heard: & then the Steward shall say, essoines and proffers of suit and plea, thrée times, and in the end, Esoines for this day.

Then if there be any person that hath any lawfull impediment that he cannot be here as he is bound, let one aske an Essoyne for him, (the Court sitting) to saue his default.

And then the Steward shall enter the Essoyne in the Court Rolle, in this manner :

## Court Leer,

### The manner of entring the Essoines.

**A**. B. per C. D. essoniatur de cōi : & sic de  
aliis.

Looke also if there be any Tenant in the  
Manor that hath any action, or cause of action,  
since the last Court day : Let him put  
in his plaint, the Court sitting, and it shall be  
entred.

Look also if there be any Wrecepts, Attach-  
ments, or distresses hanging in the Court  
Rolls, inquire of them openly in the Court,  
and know if the Bailife haue served them.

Also if there be any old plaints hanging in  
the Court Roll, before this Court holden,  
cause the parties to be called, and before the  
enquest be charged, know if the plaint shall  
passe by the homage.

That done, the enquest shall be impanelled:  
Then bid the foreman lay his hand vpon the  
booke, and sweare him in forme following.

### The oath of the Foreman.

Cause the Bailife to hold the booke unto the  
partie or parties sworne, but the Steward  
shall give the Oath.

**Y**ou shall diligently inquire, and true p<sup>re</sup>sentment make of all such things as you shall be charged with, concerning as well the Kings Majesties Laste, as the Lords Court of the Man<sup>or</sup>: You shall well and truly keepe \* the Kings Counsell, your fellowes and your owne: you shall not conceale nor hide any thing for fauour, feare, promise, nor affection you beare to any person or persons, or present any thing for hatred, or malice you beare to any man: but you shall present and tell the truth, the whole truth, and nothing but the truth, so helpe you God, and by the contents of this booke. And this being done, cause him to kisse the booke.

After the Foreman is sworne by himselfe, cause thre or foure of th'enquest to lay their right hands together on the booke, and giue them their oath as followeth.

The oath of the rest of the Jurie.

**A**LL such oath as A.B. hath made before you on this behalfe, you, and every of you shall well and truly keepe on your behalfe: so help you God, & by the contents of this booke.

And then cause every one that is sworne, to kisse the booke.

And so in like manner sweare the rest.

\* If the Court Baron be kept by it selfe, the shall be omitted in this oath these words, *The Kings Court*, for that is not the Kings Court, but the Lect is.

## Court Leer,

After they be swozne, cause the Bailife to number them that be swozne, as the Steward both reade them.

### The Proclamation after the Oath taken.

**T**hen make Proclamation, and say thus :  
All you that be here swozne, draw neere and heare your charge, and all the rest keepe silent, vpon paine and perill that shall come thereof. Befoze the charge, gather the common fine, which the Tenants doe pay euery Last, according to the custome of the Manor.

The exhortation to be given unto the Iurie before the charge, to consider their oath.

**M**atters, the charge which you haue promised by your Oathes to obserue, toucheth and concerneth diuers good lawes and statutes made for the whole commonweale of this realme, and also for the priuate wealth of euery of you, which matters the Lord of this Franchise considering, and wishing your wealth and quietnesse, willing also good orders to be obserued and kept among you, and that right and equity might be ministred to euery  
of

of you, hath caused therefore the Kings maiesties Let and his Court to be summoned and kept here at this day: I will therefore by your fauor, before I enter into the matters of your charge, declare unto you by what authoritie you are brought hither, and wherein you are bound to serue.

One cause is, for that the Kings Majestie, and his noble Progenitours haue giuen and granted vnto the Lord of this Manor, a strength and power to keepe a Lete or Lawday at two times in the yeare, at which Lete or Lawday, all the Headboroughs, Tithingmen and Deciners, & all other persons which be resident or dwelling within this Lete, being of the age of twelue yeares or aboue, are bound by the law of this Realme to appeare: for that there they may heare the lawes & statutes opened and declared, that thereby they may know and auoid the danger of the same: and further to enquire of the breakers of the same, and present them, that such offenders might be punished.

The other cause or authoritie is, for that you be the Lords Tenants, and are bound by reason of your Tenure to appeare at the Lord his Court Baron, when it shall happen to be kept according to the Law, that is to say, at euery three weekes end, and being  
here

## Court Leet,

here by these two authorities, you are bound to serue in all such things as you are sayntly and lawfully charged withall, as well concerning the Kings Majesties Lett, as the Lords Court Baron.

And thus you haue heard in bzielse the causes whereby you are bound to come to this Lett and Court Baron.

Also to the intent that this your oath which you haue taken, may be the better knowne, I thinke it good by your patience somewhat to say concerning the same.

First, in swearing, thre things chiefly ought to be considered: The first is, that you swear truly, that is, you must seclude all fauour and affection to the parties, not fearing the rich, nor pittying the poore, nor considering the simpleness of any person, nor the smallness of the offence, but hauing the truth onely before your eyes, for loe thereof say and speak that which you know to be true, & no further. The second is, you must swear in righteousness, that is, for the very zeale and desire you haue in declaring of the truth, for the executing of Justice, for the obseruing of covenants, honest promises, statutes, lawes, and good customes: and hauing a respect in doing and performing these things, you doe that which is to the glozie of God, the hono<sup>r</sup> of the King,

King, the preservation of the people and common-weale : and this manner of swearing is commanded of Almighty God in Deuteronomie, saying, Thou shalt feare the Lord thy God, and serve him, and shalt sweare by his name. That is, we must serue God onely, feare him, and confesse his holy name, which is done by swearing lawfully. Swearing also in many other places of Scripture is commanded, but the same conditionally, which is, we must sweare in truth, in iudgement, and in righteousnesse, &c.

Chap. 6.

Thirdly, in swearing and taking an oath, you must doe it with iudgement, not rashly, nor vnadvisedly, but soberly, considering what an oath is: and to put you in mind thereof, I will in few words declare what an oath is. An oath is the calling or taking to witnesse of God his name to confirm the truth of that we say. And Saint Paul saith, An oath for confirmation, is among men an end of all strife. For in doubtfull and obscure matters, where the knowledge of men faileth, we flie vnto God, that he which is the onely truth, may giue testimony vnto the truth, & he which bleseth God for a witnesse, doth also call for reuenge of perjurie at his hands, if he deceiue and speake not the truth : Also in laying your hands vpon the booke, you doe sweare, truly to enquire

Heb. 6. v  
16, 17.



## Court Lect,

inquire and make a true presentment of those things wherewith you be charged, and not to let from saying the truth, and doing truly, for fauour, fear, lone, or malice of any person: you must consider, that in the same Booke is contained God his everlasting Truth and most holy Word, whereby we haue remission and forgiveness of our finnes, and everlasting life. Also in the Gospell Booke is contained God his plagues and threats to obstinate sinners, perjured men, false witness bearers, condemners of innocent and guiltlesse persons, so that if willingly you forsweare your selues, you utterly forsake God, his Mercy and Truth, the merits of our Saviour Christ, his nativity, life, passion, death, resurrection, and ascension, the ioyes of Heauen, and everlasting life, betaking your selues to the deuill, the author of all lies, perjurie, and deceit: and by forsweearing, and forsaking the truth, you do forsake Christ, the light and truth it selfe. And although that perjury doe escape sometime vnespied, & unpunished, & be kept secret betwene some of you and others, yet your hearts will iudge and repute one another false, and be suspicious of each others doings: but God being faithfull, he will not deny himselfe: & therefore he will not suffer the profanation of his name to be unpunished: also at the last day, when the  
secrets



secrets of all mens hearts shal be opened, then the truth and your owne consciences shal accuse you, and Christ the righteous Judge shal justly condemne you to everlasting death and damnation. For this sinne of perjurie God Malac. 3. by his Prophet hath thzeatned to punish. Wherefoze let vs pray vnto God that we may vse such oathes as be godly and lawfull, that is, that we sweare not rashly, in trifles, or in matters of no weight, but when it is needfull and necessarie onely: also that we doe consider the end, that our oathes may serue to the honour of God, and to the boulding out and testifying of a truth. And thus hauing put you in minde of your duties and oathes, the which I trust you will diligently weigh and consider in the performing & doing of the same, to the comfort of your consciences: I will proceed no further therein, but declare vnto you the articles of your charge.

### The charge of Court Leet.

**Y**ou must vnderstand, that high Treasons, petty Treasons, and Felonies, which are against the Crowne and dignity, are to be enquired of and presented in Court Leet, but not punishable there.

2 The which offences ought to be set downe

## Court Leet,

downe in writing, and indented, the one part to remaine with the Steward, the other with the Jurie, and the same must be deliuered to the Iustices of the Assises at the next Gaole deliuey holden within the County. See Stamford in his Pleees of the Crowne, lib. 2. cap. 24. fol. 85, 86, & 87. And M. Lambert in his Iustice of peace, lib. 4. cap. 6.

3 First you shall inquire of high Treason, as if there be any among you which doe compasse, imagine, or intend the death of our Soueraigne Lord the King, and doe utter the same words by writing, or by any other open act: or if any goe about to make war against him: or if any be adherent to any of his enemies.

4 If any counterfeiteth, clippeth, fyleth, washeth, or otherwise falsifieth the money of this Realme, or the coyne of any other realme which is enabled to be currant within this Realme.

5 Or if any counterfeiteth any of the kings Majesties seales, as the great seale or stamp, these are high Treasons.

5 Also counterfeiting of the Kings seale is to take Waxe printed with the Kings Seale, and to fasten it to a writing not made by the King: these are to be enquired of here as felonies, and to be certified as aforesaid,

said, Rastall, Treason 26. 5 Eliz. cap. 11. pur  
clipping, washing, &c.

7 Also if any kil his master or his mistris: Pety treason.  
or if a Priest, or other religious man kill his  
Ordinary, this is pety Treason, and to be en-  
quired of here as felonie, 25.E.3.ca.2. Rastal,  
Treason 1.

8. And if any woman kill her Husband, it A woman to  
kill her hus-  
band is pety  
treason.  
Felonies.  
is pety Treason, and it is to be enquired of as  
felonie, 19.H.6.fol.27.

9 Also cutting out of a mans tongue, and  
putting out his eyes of malice, is felony, and  
to be enquired of here.

10 Also murder is, when any of malice pre- Murder.  
pensed or sozethought doth kill another, selo-  
niously, and it is to be enquired here as bloud-  
shed.

11 Also manslaughter as a trespassse is here Manslaughter.  
to be enquired, that is to say, when the place  
is not appointed to fight, but suddenly they  
fight together, and the one killeth the other as  
they met by chance: also it is to be enquired  
here for bloudshed.

12 Also if one kill another in defending In defending  
himselfe, and  
killing by mis-  
fortune.  
himselfe, he shall lose his goods.

13 The same law is where one killeth a-  
nother by misfortune, &c. Stamford 15.a.

14 Also you shall enquire of rape, which is, Rape.  
if a man ravish any woman against her will,  
he

## Court Leet,

be the wife, widow, or maid, though she afterward consent unto it, it is Felonie. You shall enquire also of their ayders, for they shall be judged Ranshers, as well as he that did the deed, 22. E. 4. fol. 22.

Burglary.

14 Burglars are those which in the time of peace, or in the night time with a felonious intent to rob or kill, doe breake any houses, churches, wals, or gates, and enter into them: this is burglarie, and here to be enquired of, Stamf. fol. 30. b.

Robbery.

15 Robbery is when a man taketh any thing from any other person feloniously, though it were but the value of a peny, this is Felonie, and to be enquired of.

Burning of a house or barne.

16 Also the burning of a house feloniously is felony.

17 Also burning of Barnes, adioyning to a house in the night, is to be enquired of, 11. H. 7. 1.

Robbing of Churches.

18 Also robbing of Churches or Chappels, and taking of any ornaments out of the same feloniously, is felony, and to be enquired of.

Rescue.

19 If any rescue any which is taken for felony, that is felony, and to be hereenquired of.

Taking of Doves.

20 Also taking of Doves in a Dove house in the night time with a felonious intent, is felony, and here to be enquired of.

Yong Pigeons.

21 Also taking of yong Pigeons, or yong Colubawkes

**Goshawks in their nests, is felony, and here is to be enquired of.**

and young  
Goshawks

**22 Also taking of fish feloniously out of ponds, rivers, or frunks, here is to be enquired of. But if the same be taken out of a river, there it is no felony.**

Taking of

**23 Also the taking of tame Deer with a felonious intent, is felony.**

Taking of  
tame Deer

**24 The same law is for taking of Signets, Swans marked, Peacocks, and the same is to be enquired of.**

Signets,  
Swans,  
Peacocks.

**25 Also if any receive a Felon, knowing of the felony which he hath done, this is felony, and here to be enquired of.**

Receivers

**26 And note that all other felonies which be felonies by the common law, are here to be enquired of.**

**27 Accessories are enquirable, and that is if one procure or command another to do a Felonie, but is not present when he doth it: this procurer or commander is accessory.**

Accessory

**28 Also accessory after felony is done, is where one receiveth a felon, knowing of the felony.**

Accessory  
ter felony  
done.

**29 Escape voluntary is where one arresteth another for felony, and after suffereth him to goe whither he will, this is felony, and also to be enquired of.**

Escape vol-  
tarie.

**30 Escape negligent, is when one is arrested**

Escape neg-  
gent.

## Court Leet,

for felony, and after escapeth againſt his will that arreſteth him, and if he be not freſhly purſued and taken before they that doe purſue loſe the ſight of him, he that ſhould haue kept him, or his gaoler, ſhall loſe a grievous fine, and hereof enquire.

y Larceny

31 Wety Larceny is taking of any thing with a felonious intent, vnder the value of x. d. as hennes, geſe, pigs, or ſmall things out of windowes, and thoſe things are to bee enquired of.

heir

32 You ſhall vnderſtand that the Lord of whom the land is holden, ſhall haue the lands by Eſcheat, where their tenants be attainted of Wety Treason or Felony, and the King ſhall haue the Lands a yere and a day, and the waſte of it, per Magnam Chartam cap. 22.

33 And therefore you muſt enquire what lands and tenements thoſe perſons ſo offending haue, and what goods for the King, except the Lords haue felons goods by the King his grant. 9. H. 4. fol. 23.

34 Alſo you ſhall vnderſtand that thoſe matters in the charge afozeſaid, are to be enquired of, and preſented as afozeſaid, but not puniſhable here, but they are to be certified by the Steward in ſeſſions as afozeſaid, but the reſt of the matters of the Charge which  
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## and Court Baron.

9

ensue, are enquirable and presentable, and be also punishable here in Leete, but not certified as the other were.

1 Those things which hereunder follow, are to be presented in Leer, and also to be punished there.

2 First you shall enquire if all your Constables, Headboroughs, Deciners, and all other suitours which owe any suit hither, be here, or not, and present all their names that make default.

Constables,  
Head-bo-  
roughs.

3 Also if any have dwelt within the Lordship the space of a yere and a day, and be of the age of xii yeares, and not swozne to the King to be true and faithfull, this is enquirable.

Of the age of  
xij yeers.

4 Also you shall enquire if any of the Lords villaines be fugitives, and remaine elsewhere out of the Lordship, and be not in the ancient demesne of the King a yere and a day, present the same.

Villaines.

5 Also you shall enquire if any customes or services, due to his court, be holden back, how, by whom, and in what Wallis time the same was, and present the same.

Customes and  
services.

6 Also you shall enquire if any purprestures be made upon the land, wood, or water with blocks,

Purprestures.



## Court Lect,

blocks, stakes, ditch, hedge, or by, or with any other thing done to the annoyance of the people, that is to say, to the multitude, and not enely to one.

7 Also if any walls, houses, pales, or hedges be made or erected to the annoyance of the people, this is to be presented.

8 If any common highwayes, waters, ditches, or paths be turned out of their courses, this is to be enquired of.

9 Also you shall enquire if any Encroachments be made on the Kings highwayes, or any of the Lords soile common, or one neighbour vpon another, and present it.

10 If any Waystals be made, or any carriage be cast in highwayes, to the annoyance of the people, this is enquirable.

11 Also if any commonly breake the peace, as making of frayes in disturbance of the people, this is enquirable.

12 Also if there be any common barretours in the Lordship, as scoulders or brawlers, to the annoyance and disturbance of their neighbours, present their names.

13 Also if any breake the common pould, to take a distresse out of the same, present their names.

14 Also if any Outcries bee made against the lawes, in disturbance of the people,

Walls, houses,  
pales or hedges.

High wayes,  
waters, ditches  
or paths.

Encroachments.

Waystals.  
Carriage.

Make frayes.

Common  
barretours.

Breakers of  
pould.

Outcries  
against the law.



is to be enquired of.

15 Also if any rescous bee made within the  
Seigniozie vpon the Sherife or his Bailifes,  
or vpon any of the Kings Officers, in distur-  
bing of them to take any person to be arrested,  
it is to be enquired of.

Rescous made  
against the  
Sherife or his  
Officers.

16 You shal enquire, if any Cuesdrop-  
pers which stand vnder walls or windowes,  
by night or day, to heare tales, and to carry  
them to others, to make strife and debate  
betweens their neighbours, present their  
names.

Cuesdroppers.

17 Also if there be any common breakers  
of hedges, present their names.

Breakers of  
hedges.

18 Also if any keepe and maintaine any  
Bawderie in their houses, it is cause of brea-  
king the peace, and it is a vice that corrupteth  
the common weale, and for that cause it is here  
to be enquired of.

Keepers of  
Bawderie.

19 Also if there be any vagabonds, or those  
which walke by night, and sleepe in the day.

Vagabonds.

20 Also if there bee any that bee common  
haunters of Tanernes or Ale-houses, hauing  
not sufficient to liue vpon, they are to be en-  
quired of.

Haunters of  
Tanernes or  
Alehouses.

21 Also if one goe in message for theues,  
it is to be enquired of.

To go on mes-  
sage for  
theues.

22 Also you shal enquire if any person haue  
entered any hemp or flax in any river, run-  
ning

For corrupting  
the waters.

## Court Leet,

ning water streame, or brooke, or other common pond where beasts doe use to drinke, they shall forfeit for every time so doing xx s. the one part to the party grieved, or any other which will sue for the same in the Leete, by action of debt, bill, plaint, or information, or otherwise, and present the offenders.

This offence is not inquirable in the Leete, but may bee punished there, vpon the action or information of any against the offenders: for which see the Statute 33. H.8.c. 17. But vpon a presentment of a Iurie in the Leet of such an offence the penalty cannot bee leued, but the offender may bee amerced there for the annoyance, and the amercement estreated, and so leued.

Use weights.

23 Also, if any haue and vse any measures of bushels, gallons, yard, or elne, or false ballances, or pounds, they are to be enquired of.

Double weights.

24 Also if any vse double pounds, or measures, that is to say, one little or small weight to sell by, and a greater to buy with, in deceyving the people, the same is to be enquired of.

Use of bread and ale.

25 You shall also enquire of the Use of bread and ale, that the same be kept, that is to say, that every one sell according vnto the rate and price of graine, and that the same be made wholesome for man, and hereof enquire.

26 Also

26 Also if tiplers sell by cups or dishes, or measures unsealed and not sealed, it is enquirable. Tiplers.

27 Also if Butchers, fishmongers, or other victuallers sell any corrupt victuall, not wholesome for mans body, it is enquirable: also that all other that sell victuall, if they sell the same at a reasonable price, and not to bee excessive, having regard to the prices how victuals bee sold in places nere thereabouts, and bee that is convicted, shall pay double that he hath received to the party damaged, and the same to be enquired of. Butchers & all victuall doe sell whome meat a reasonable price.

28 Also that hostlers doe not sell hay, nor oats but at reasonable prizes, and that they doe not take for the bushell, but an halfe penny over the common price in the market, and that they take nothing for the litter, and this is enquirable. Hostler for ling his hay and oats.

29 An Inkeeper may bake his bread for houses in his house in any thzough fare towne which is no Citie where no common Bakers dwell, and if he bake and not make the same according to the prices of graine, it is to be punished in Let. Inkeeper may bake his bread

30 Also if any Inkeeper or other person, harbour any suspected persons, perceiuing them to be of evil behaviour, it is to be enquired of. Harbouring any suspected person.

Court Leet,

31 Also if spillers take an excessive toll, it is to be enquired of: and he ought to take for oil but the twenty or the four and twenty graine according unto the custome, and according unto the strength of the water.

32 Also if the spiller within the Lordship change the graine which he hath ground, it is enquirable.

icers. 33 Also it is to be enquired, if all the artificers do make good worke as they ought, and if any make deceit in the same in deceiving of the people, you ought to present their names.

emeanor  
ficers. 34 Also if any Constable, Ale-taster, Bailife, or any other Officers within this Lordship, have well and truly done their office or no, it is to be enquired of.

neyour. 35 Also no Puruey or shall make any purueyance for the Kings house, of any thing to the value of forty shillings; or under, except hee make ready payment to the party, upon paine of losing his Office; and to pay the value to the party grieved: and if he doe the contrary, if the Steward or Tything man, upon complaint to them make no resistance to the Puruey or, they shall forfeit to the party grieved, the value of the thing taken, and double damages, and this is the misdemeanour of these Officers, and those misdemeanours,  
and

and of all other such Officers, are enquirable.

36 Also the Constable ought to see the peace and watch to be observed as it ought.

Peace and  
watch.

37 If any treasure be found, that is to say, put in the earth, and no man knoweth who hid the same, this is the kings, except the lord have the same by speciall words, or by prescription.

Treasure  
found.

38 If any estraites be, they are enquirable, and that is, if any horse, pigges, hogs, cattell or swannes, which have come into this Lordship, and have been there a yeere and a day, and not claymed, then the Lord may have the property of the same by prescription, but the same ought first to bee impounded in an open pound, proclaimed in thre markets next adjoining, and if none claime them, then they shall be seised, and ought to be put into some severall land, and not in any covert or wood where the owner cannot find them, for if they be in covert the property is not changed, though they be there a yeere and a day.

Estraites.

39 Also you shall enquire whether any Thiefe upon hue and crye, or otherwise, doth waine his goods, that is to say, doth leane or forsake his goods, or any parcel of them, which he hath stolne, by reason whereof the King is seised thereof, or the Lord by the grant of the King.

Waife.

## Court Leer,

King, such goods are called waikes, and therefore present the same: also if any Officer lease upon any thennes goods, though there bee no pursuit made, in these cases, the King or the Lord by grant or prescription shall haue these goods, &c.

that flicth,

40 If any slye, that is to say, if any be found by indictment guilty of murder before the Coroner, or if he be indicted of Felony, and acquitted and found that hee flicth, then hee shall forfeit his goods to the king, and the Lord may haue them by Charter, and not by prescription, and this is enquirable.

Te or Mare  
bed.

41 If any horse or mare be put upon a waste ground, and be scabbed, or hauing an infectious disease, he shall forfeit to the Lord of the Let ten shillings, and this is enquirable.

gent

42 If any exigent bee awarded against one indicted of felony, by the keeping of his goods, they are forfeit, though after he be acquitted of felony, and the King shall haue his goods, and the Lord by Charter, and not by prescription without Charter, and this is enquirable.

lawed

43 If any be outlawed in debt, trespassse, or other personall action, his goods be forfeited, and the King shall haue them, and not the Lord, except it be by Charter, and not by prescription, and this is enquirable.

mon fine.

44 Also you shall enquire if the tounmen fine haue



haue him here to be payed according to the custome, and whether the same be gathered according vnto the vsage. This is commonly gathered by the Head-bozough.

45 Note that euery one that hath view of free pledges, ought to haue Pilloze & Tumbrell to doe Justice: Also in euery Colone where there is a Let, there shall be Stocks and for default thereof the taker shall forfeit five pounds, and the same is enquirable.

Stocks.

46 Also you shall enquire whether any haue vsed in any of their garments velvet, saten, damaske, cassata, sarcenet, chamlet, or any fur, as skins, ienets, martins, squirrel, fox, gray, cony, hare, or other fures growing within this land, or gold, or silver, in or vpon any of their garments, other wise than the statutes, made in the 14. yeare. H.8. and 1. and 2. of Ph. and Mary doe allow, you shall present the offenders.

Apparell

47 Also you shall enquire whether any baker, brewer, butcher, cooke, tipler, &c. doe take excessive game or no: also whether they conspire, covenant, promise, or make any oath not to sell victuall but at a certaine price, and present the same.

Vicuall

48 Also you shall enquire if any artificers, workemen, or labourers, haue conspired, promised, or made any oathes, that they will not make,

Artificers

## Court Leet,

make oꝛ doe their woꝝkes but at certayne pꝛices, oꝛ not to finish that which another hath begun, oꝛ would doe but certayne woꝝke in a day, pꝛesent them, foꝛ they shall foꝛfeit certayne penalties, 24. H. 8. ca. 12.

49 And you shall enquire if any man being the Kinges subiect, not lame oꝛ maimed, not hauing any lawfull impediment, being within the age of threescoꝛe yeres, except spiritual men, and Iustices, doe vse and exercise shooting in long Bowes, and whether the fathers and mothers of such as be vnder xviij. years, do bying vp their chyldzen in the knowledge of shooting: and whether euery manchild of seven yeres and vpiward, haue a bow and two shafts: if they haue not, their gouernours shall foꝛfeit certayne penalties: pꝛesent theretoꝛe such offenders.

51 Also you shall enquire if the Buttes be made and continued, and if your Butts be not made oꝛ continued, yee shall foꝛfeit foꝛ euery thye months foꝛ default thereof x s.

51 Also you shall enquire if any Tanner haue offered to be sold any hide of Bull, Ore, Steere oꝛ Cow, gashed oꝛ cut, hee shall foꝛfeit foꝛ euery one twelue pence.

52 Also no Carrier ought to curry any Leather in a Shoemakers house: and none ought to curry any Leather euill tanned.

53 Also

ers, Cur-  
and tan-  
leather.

ers.



53 Also you shall enquire if there bee any Crow nets, if there be not, the Lord shall haue the moiety of ten shillings, which shall be forfeited by the parish or townes or not hauing the same. Also if they destroy not the Crow nests when they begin to breed, they shall be amerced.

Crow ne  
Crow ne

54 Also you shall enquire if any person by any meanes haue taken and killed any yong brood, Spawne, or frye of Salmones, Eeles, Pike, or any other fish, in any streame, river, brooke, floodgate, or in the taile of any spill, and present the offenders. And further, when any person hath taken in any of the places aforesaid, any Salmon or Trout out of season, or any Pike, or Pikrelles, not being in length ten inches, or any Barbel not being in length twelue inches, or any Salmon not fyteen inches, or Trout not eight inches long: If any haue done so, they shall forfeit certayne penalties.

For the  
and killing  
fish.

55 Also you shall inquire if any breake by day or night, the head or damme of any pond, poole, or moate, within which the Lord hath fish, to the intent to scatter, steale, and destroy the fish, he shall pay to the Lord treble damages, and shall be imprisoned thre moneths, and after finde sureties for seven years of his good abearing.

Breaking  
head of  
pond.

## Court Leet,

g of

56 Also you shall enquire if any doe hunt  
Deere out of the Lords ground, or kill any of  
his Deere, and present them.

ull

57 Also you shall enquire if any person doe  
keepe or maintaine any common house, alley,  
or place of bowling, quittes, cailles, tennis,  
dicing, tables, or carding, or any other un-  
lawfull games, and present them: if they do,  
they shall forfeit certaine penalties: also you  
shall enquire if any person doe haunt the said  
houses and places: and further, you shall en-  
quire if your Constables and other Officers  
doe make true search in such places which be  
suspected to be frequented with any unlawfull  
games, yea or no, if they doe not, they shall for-  
feit certaine penalties, you shall therefore pre-  
sent such offenders, 33. H. 8. cap. 9.

58 No stoned horse being of the age of ii.  
yeares, except he bee fourtene handfuls high  
shall be put to pasture in any common, forfeit  
or chase, vpon paine of forfeiting of the same  
horse: also the said grounds ought to be year-  
ly dizen at Michaelmas by the Lord, Ty-  
thingman, Constable, &c. or within 15 dayes  
after, vpon paine of xl.s. and if vpon the same  
dizening there be found any mare, foale or gel-  
ding, not likely to be able to beare soles, or to  
do profitable service, the same shall be staine  
and buried, 32. H. 8. cap. 13.

59 Also

59  
after  
make  
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1. cap.  
time,  
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Hue and cry

59 Also you shall enquire if the inhabitants after robberies and felonies committed, doe make fresh suit from towne to towne, or from county to county, or from hundred to hundred according to the Statute of Winchest. 13. E. 1. cap. 2. For if a man be robbed in the day time, and the thiefe escape, and is not taken within forty dayes after the robbery, for lack of hue and cry, the borough or hundred shall answer to the party all his goods and damages: also if any person be killed in a towne in the day time, and the murderer or manslaughterer escape, not taken or arrested by those of the towne, then the towneship shall bee amerced, 18. Ed. 2.

For the amending of High wayes.

60 Also you shall enquire if your Constables and Churchwardens haue appointed any suruey or for the mending of High wayes, leading to market townes, or no, and if any chosen refuse the same office, he shall pay xx.s. also you shall enquire whether the same suruey or haue taken vpon them the said office, and put the same in execution: and whether the parishioners haue done their duties, and present all those that haue offended contrary to the same statute, for the offenders shall forfeit certaine penalties.

61 Also you shall enquire if the ditches bee scoured, and bushes cut, according to the Statute

## Court Leer,

measuring of  
ches and  
ring of  
edges.  
ota.

tute made in the first yeare of **Q. Elizabeth**,  
foz not doing of the same, they shall fozeit ten  
shillings.

62 The masty of all the fozeitures foz  
these Statutes, the Church-wardens shall  
haue to bestow vpon the highwayes.

or watering  
trap or flax.

63 Also you shall enquire if any persons haue  
watered any hemp or flax in any river, run-  
ning water, streame, or brooke, or other com-  
mon pond where beasts doe vse to drinke,  
they shall fozeit foz every time so doing xx. s.  
the one part to the party griened, or any other  
which will sue foz the same: and the Statute  
33. H. 8. cap. 17. doth giue a remedy to sue  
foz the same in Laite, by action of debt, bill,  
plaint, or information, or otherwise.

mufters.

64 Also you shall enquire whether any re-  
fuse to come to mufters befoze any person au-  
thorised to take the same, he shall be impriso-  
ned foz ten dayes, except he pay to the King  
s. & if any persons appointed to take mufters,  
receiue any money to release any appointed to  
serue, he shall fozeit ten times so much as that  
he receiued, 4. & 5. P. & M. ca. 3.

ayers.

65 If any persons to the number of xii.  
make an vniuersall assembly, foz to breake any  
banke, inclosures, parkes, fish-ponds,  
barnes, houses, and such like, and Proclama-  
tion be made by the Sheriffe or Justice of  
Peace

Peace that they depart, and notwithstanding they remaine together an houre after Proclamation made, euerie such attempt is felonie: also every Coptholder being a yeoman, husbandman, or labourer, of the age of eightene yeeres, and under threescore, not sicke, nor having a reasonable excuse, and being required by the Justice, Sheriffe, &c. to apprehend those persons aforesaid, and refuse, shall forfeite his estate during his life, and his Lord may enter: also the Farmer being a yeoman, &c. refusing, is in the same case to the Landlord: also it is felonie if any person without compulsion, bying, lend, or deliver any money, harness, artillerie, weapons, or victuals, to any person assembled in such manner. Also the Justice of peace or other officer may raise a power to suppress them: and if any Officer kill any such rebellious persons, or maim them, they shall bee free: and if any person know of any such pretended rebellion, and doe not openly declare the same within twenty houres next after such knowledge, he shall be imprisoned for three months without baile or mainprise, if he be not discharged by a Justice of Peace: also he that letteth or hindereth that Proclamation that the same be not made, committeth felonie.

22 Anno quinto Eliz:cap.1. If any extoll

## Court Leet,

the King  
assurance  
his power.

or let forth the authoritie of the Bishop of Rome against the forme of this estatute, hee shall incurre the danger of a Premunire, and this Estatute is to be declared in Leet.

acing of  
res.

68 None may trace, destroy, or kill a Leberet in the snow with a dog, or otherwise, and hee that doth it shall forfeit five shillings eight pence, 13. H. 8. cap. 11.

licences for  
Vine.

69 Also you shall enquire if those persons which doe sell wines be thereunto licenced, according unto the statute made in the eight peere of Ed. 6. &c. upon a grieuous paine and forfeiture, and for every day occupying or selling of wine without licences. Also you shall enquire how many there are licenced, and present them. Of this and all other matters and defaults you shall diligently enquire and make a true presentment.

Then, after the charge is given, the Steward shall command the Crier to make Proclamation, and after proclamation made three times, the Steward shall say:

**I**f any can enforme the Steward, or this Enquest of any pettie treason, felonie, pettie Larceny, Purpresture, breaking of pounds, or of Alehouses, or of any other thing done against the peace, or of any person of evil beha-  
viour

blow within the Hét, or of any artificer that doth make deceit, or of any other misdemeanour of any officer or other person here, or of any waife or stray, treasure found, or of any other thing here to be enquired of; come in, and you shall be heard.

Then if any come in, he shall be sworne to give evidence to the Jurie. And after that the Steward shall say to the enquest:

**C**ome you together, and enquire of the matters of your charge, and when you be agreed I shall be ready to take your verdict.

An addition of divers other matters enquirable in Leets, not mentioned in the former edition.

**I**t is lawfull to all Stewards and Bailiffs in their severall Hets and Lawdaies, to enquire, heare, and determine every offence committed contrarie to the tenour of the Statute made 33. H. 8. concerning crossbowes and hand-gunnes, so that alwaies no lesse fine than x.l. be assessed upon every such presentment and conviction; the one moitie of every such fine to bee levied to the use of the King, and the halfe of the other moitie to

Crossebowes  
and handgun



## Court Lect,

the owner of the **Lēt** or **Lato** day by distresse, or action of debt, and the other halfe of the said moiety to be to the partie that will pursue for the same in any of the **Queenes Courts** by action, information, &c. wherein no matter of law, esseine, protection, &c.

2 And if any **Jurie** sworne and charged to enquire for the **king**, of any offences committed contrary to the said Statute, doe wilfully conceale any of the said offences: then the **Stewards** or **Bailiffes** before whom any concealment shall bee had, have authoritie to charge and sweare another **Jurie** of twelve or more, to enquire of such concealment: and if such concealment be found and presented by the said **Jurie**, then everie of the first **Jurie** shall forfeit for everie such concealment of everie offence twenty shillings, the moste to be levied to the owner of the **Lēt** or **Lato** day by distresse, or action of debt, and the other to the **Informers**, to bee recovered by **Action**, **Information**, &c. wherein no **Wager** of **Law**, **Esseine**, **Protection**, &c.

3 But if the presentment or suit for any of the said forfeiture be not commenced within one halfe yere next after the offence committed, then the offendour shall be thereof clearly discharged, 33. H. 8. 16.

4. **Leges**



4 Lords in Leets, and their Stewards, within the precinct of their Leets, have authority to enquire and take presentment by the oath of Jurors, of all and every offences and offences committed contrary to the Statute 31. Eliz. touching the erecting and maintaining of Cottages and Inmates, and upon presentment made to levie by distress to the use of the Lord of the Leet all such summes of money as shall be forfeited by the Statute of 31. Eliz. cap. 7.

New Cottages  
Inmates.

5 The Steward in every Leet shall have full power and authority to enquire, heare, and determine, as well by presentment of twelve men, as by accusation or information of two honest witnesses, of, for, and upon all and every the offences and forfeitures committed contrary to the Statute provided, 2 Edw. 6. for the true making of Malt, as well for the King as for the partie that shall sue, procure, or cause the same to be presented, 16. Ed. 2. 35. Eliz. 7.

Malt.

6 Stewards of Leets, Liberties, and Law-days within their severall jurisdictions shall and may heare, enquire, and determine of all and every offence and offences which shall bee committed within the precinct of their Liberties, Jurisdictions, or Franchises against the tenour of the act made,

## Court Leet,

An. 23. Eliz. 6. for the preservation of sealants and partridges, 23. Eliz. 10.

7 Stewards in their Leets and View-fines, have authoritie to heare and determine euerie default and offence of Hostlers or Inholders making hoyle bread not sufficient, lawfull, and of due assise, according to the price of Come, committed within the limits of their jurisdiction, contrarie to the Statute in that case provided, 32. Henric. 8, 41.

8 The Lord of every Leet hath authoritie to enquire of all the offences committed contrarie to the purport and forme of the Statute provided (1. Eliz.) for the preservation of spawne and frye of fish, within the precinct of the said Leet, such enquiry to be had in manner and sort as common amerçements or other things enquirable in Leets have bene lawfully used to bee made, and upon euerie such presentment had in any Leet Court by the oath of twelue men, of any offence made contrary to the said Statute, all forfeitures appointed for such offence, shall bee unto the Lord of the said Leet, and shall be leuied as amerçements for frautes committed within the precinct of such Leet, have bene used to be leuied. And if that steward of a Leet or some other for him doe not charge the Jurie  
twoyne

orfe bread.

Fish.

sworne in every Leet to enquire of all offences done within the precinct of the same Leet concerning the killing of Sparrowe or Frie of fish, kepper, hedder, or salmons or trotots, pickere, salmon, trotot, or barbel, being not of lawfull length: and concerning the mase of nets, and other engines, he shall forfeit for every offence, xl. s. to the King, and him that will sue for the same.

9 Also if any Jury sworne in a Leet, having charge to enquire of the premisses, doe willingly conceale and make default in presentment of the offence and offenders, then the steward or Balliffe, or their deputy, may impanell another Jurie within the same Leet to enquire of such concealment, which being found, everie of the Jurors so concealing shall forfeit xx. s. to the Lord of the Leet for every offence.

10 Saving alwaies to all and every person and persons, bodies politick and corporate, and every of them, all such right, title, interest, claime, privilege, and conservation, and enquiry, and punishment, of and for any the offences aforesaid, as they or any of them lawfully have and enjoy, or of right ought to have and enjoy by any manner of meanes, any thing, &c. notwithstanding, 1. Eliz. 17. 35, Eliz. 7.

Finis de le charge de Court Leet.



# THE ORDER OF keeping Court Baron.

The Stile of the Court.

*Uria Baronis M. L. ibi-*  
*dem tenta die Martis,*  
*videlicet decimo quarto*  
*die Junii, anno regni*  
*Caroli, Dei gratia An-*  
*glie, Scotia, Francia, & Hibernia Regis fidei*  
*defensoris, &c. duodecimo.*

Overstoy



After the stile of the Court entred, you shall  
cause the Bailiffe to crie once *¶* yes, and then  
call the Jurors.

|              |   |               |                   |   |               |   |              |
|--------------|---|---------------|-------------------|---|---------------|---|--------------|
| <i>Exam.</i> | { | John Doe,     | <i>Juratores.</i> | { | Rob. Dodge,   | { | <i>Ho-</i>   |
|              |   | Richard Roe,  |                   |   | Tho. Lodge,   |   |              |
|              |   | John Den,     |                   |   | Adam Clarke,  |   |              |
|              |   | Richard Fen,  |                   |   | David Parke,  |   |              |
|              |   | Wal. Hallen,  |                   |   | Henry Loe,    |   |              |
|              |   | Robert Allen, |                   |   | William Croc. |   | <i>mage.</i> |

After the Jurie is called, the Bailiffe shall  
crie another *¶* yes, and then the Steward  
shall say.

If any will be effoined or enter any plaint,  
come in, and you shall be heard.

The Effoines be set before the homage, in  
*¶* Kitchins Booke, & better than here, for first  
should

should  
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should the Intours be called, and their appearance, defaults, or essoines be recorded, before it can be knowne who did appeare to make the homage.

And after the essoines be entred, and your plaints and plers thereto made, then impanell the Iurie and sweare them.

After the enquest is impanelled and sworne, make another D yes, and say, You good men which be of the Iury, come neere, and you and all other keepe silence during your charge.

### An Exhortation to the Iurie.

**M**y masters, you that be sworne, before I giue you charge in this Court Baron, I thinke it good to declare unto you by what authoritie you are commanded to be here, and for what cause. Chiesly, you are appointed to be here for that you be the Lords Tenants, and are bound by reason thereof to appeare at the Lords Court Baron when it shall be kept, according to the Law, that is to say, at ebery thre weekes end, being warned, and being by the same authoritie there, to end and determine injuries, trespasses, debts, and other actions, where the debt or damage is under forty shillings: and also that nothing bee done with in the Mannor, hurtfull to the inheritance of the

## Court Leet,

the Lord of the Manor, which ought to be enquired and presented for the Lord: and that you be the more diligent and careful in enquiring and presenting the same, I have ministered an oath unto you, which is the calling or taking to witness of God his name, to confirme the truth of that you shall say, and present, minding neither fraud nor deceit, but onely the truth, not partiall, but seeking the glorie of God, and the profit of your neighbours, and the common weale of God his people.

### The Charge.

**F**irst, you shall enquire of the suitours, which owe any suite to this Court, whether they be here or no, and present their names that make default, for they which bee absent ought to be present here as well as you, except they have some lawfull impediment to the contrary, for they hold their lands, as well to doe their suite, as to pay their rent, so that if they doe not their suite, they shall be amerced, or the Lord may have good remedie for the same; otherwise you shall understand, that every common suitor is bound by the lawes to appear at the Lords Court Baron at every three weekes end: notwithstanding, the Lord for your ease (which hee esteemeth more than his owne pro-  
fit)

The tenants  
are bound to  
appear at e-  
verie three  
weekes end at  
the Lords  
Court Baron.

fit) suffereth the same to be kept but seldome, as appeareth, for which cause every of the tenants ought the more willingly to come unto his Court at such times as he doth appoint for the same: for if they wilfully absent themselves, then they render bill for good, and besides that, they incur the danger of persurie, for when they did their fealty, they were sworn to be true Tenant unto their Lord, and to pay and doe all manner of suits, customs, and services due for their Tenements, at their day assigned: and therefore let every man remember his oath and dutie, and doe his suits and services, according to the same, or else he shall fall into the danger aforesaid.

2 Next you shall enquire whether there bee any Tenant dead sithence the last Court day, or before, whose death as yet is not presented, and you shall present the same: also what lands and Tenements be held of this Lordship at the time of his death, and by what services, that is to say, whether it were by Knights service, Socage Tenure, or Copyhold, and what advantage the Lord shall have by his death, as Ward, Marriage, Reliefe, Escheat, Fine, Heriot, &c. And who is his next heire, and what age he is of, and in whose keeping, and present it. You shall understand there be divers manner of Tenures, but most men doe hold by Knights

What Tenant  
are dead since  
the last Court

What land he  
holdeth, and  
by what ser-  
vice.

Also who is  
next heire.



## Court Leet,

**Knights service, or Socage tenure.**

Knights ser-  
vice, what it is.

3 **Knights service** is when the Tenant holdeth of the Lord by Escuage, that is to say, by the service of the shield: also to hold by castle gard, that is to say, to keep a Castle, or Tower, or house, or other place of his Lords, upon reasonable warning, when the Lord heareth that enemies doe come into England, that is **Knights service**.

homage, feal-  
ty, & Escuage,  
Knights ser-  
vice.

4 Also he that holdeth by homage, fealty, and escuage, holdeth by **Knights service**: also he which holdeth of his Lord to blow an horn to warne the men of that countrie when enemies doe come into England, holdeth by **Knights service**: and **Knights service** ought alwaies to be done by the body of a man, and that service draweth unto it ward, marriage, and reliefe: for when such a tenant dieth seised, and his heire male within age and unmarried, the Lord shall have the land holden of him, and also the marriage of him, untill hee be of full age, that is to say, the age of xxi. yeeres. But if such a Tenant died seised, his heire female being of the age of fourteene yeeres, or more, then the Lord shall neither have the Wardship of the Land, nor yet of her body, for that the law entendeth, that a woman of that age may have an husband able to doe **Knights service**: and if she be within the age of 14. yeeres

Knights ser-  
vice is done by  
the body of  
man.

Knights ser-  
vice draweth  
unto it ward,  
marriage and  
reliefe.

and

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7

and unmarried, then the Lord shall have the wardship of her land, and also of her body, until she be of the age of fifteen peeres. And some such Tenants doe hold by a Knights fee, and some by halfe a fee, and some by more, and some by lesse: and if such a Tenant dieth which holdeth by one Knights fee, and his heire being of full age, then the Lord shall have homage and sealtie, and also five pound for a relief, & of him which holds by halfe a Knights fee, ij. l. x. s. and he that holdeth by more shall pay more, and he that holdeth by lesse shall pay lesse: you shall therefore present whether any such Tenant died seised of any such lands and tenements so holden, yea, or no.

5 Also you shall enquire whether any tenant which held by Knights service, made any feoffment to his heire, and after died, his heire being within age, yea, or no, for notwithstanding such feoffment the heire is to be Ward.

6 And whether any such Tenant made any alienation of any such land so holden to any person by collusion, to defeat the Lord of his Ward, or other profits, yea, or no, and present that: for in all these cases the Lord shall have the Ward and marriage of his heire, and also of his lands, as well as if the said Tenant had died seised of the same land.

*Alienation by collusion, and holding by Knights service.*

7 Also you shall enquire whether any such Tenant

## Court Leet,

Seoffment a  
on use, the  
and holden in  
knights ser-  
vice.

Entry for con-  
dition broken.

Entrie into  
Religion.

Disseisin of  
the tenant, and  
death before  
any re-entrie.

VVhat Socage  
tenure is.

**Tenant** which held by **Knights service**, do  
make any will of his lands, or conueyed any  
of them to his wife or children, or to friends,  
to pay his debts, which notwithstanding any  
such will or conueyance the Lord shall have  
the wardship of his heire, and custody of the  
third part of his lands, 34. & 32. H.8.

**8** Also you shall enquire whether the heire  
of such Tenant, entred into any such lands so  
holden, for any condition broken, being made  
by any of his ancestors, and present it.

**9** Also whether such entrie in Religion be-  
yond sea now be not treason, and so the party  
to forfeit the land to the King.

**10** Also you shall enquire if the Tenant  
which held by **Knights service**, was disseised  
of lands so holden, that is to say, put out of  
them by one which had no rightfull title to the  
same, and after died before any re-entrie, or a-  
ny lawfull recouerie had, and present it, for the  
Lord shall have the wardship of the bodie of  
the heire and of his land, as well as if his Te-  
nant had died thereof leised.

**11** Socage tenure is, as if the tenant hol-  
deth of the Lord by fealtie and certaine rent  
for all manner of services, or by homage and  
fealtie for all manner of services, or by fealtie  
onely for all manner of services: or to pay  
a summe of money for escuage, or to pay a cer-  
taine

, do taine summe of money for Castle Ward: all  
 any such Tenures are Tenures in Socage: and  
 nds, all other Tenures which are not Tenures by  
 any knights service, are Tenures in Socage: and  
 have where such Tenants die seised of any lands  
 the to holden, the Lord of whom the land is to hold  
 den, after the death of his Tenant, can have  
 heire no more profit but onely his fealty and reliefe,  
 ds so that is to say, as much money and service as  
 made one yeeres rent doth amount unto: as if the  
 Tenant held by fealty, and ten shillings rent,  
 n be the Lord shall have ten shillings for a reliefe,  
 party ober and besides the ten shillings which hee  
 shall pay for his rent, and in such case after the  
 death of the Tenant, such reliefe is due to the  
 Tenant Lord maintenanant or immediatly upon his an-  
 cestors death, so that the heire be of the full age  
 of xiiii. yeeres, and he ought not to carrie for  
 to the his reliefe untill the day of payment of the rent,  
 or a but hee ought to have his reliefe maintenanant,  
 or the and for that he may distraine immediatly af-  
 die of ter the death of his Tenant.  
 To

Reliefe is as  
 much money  
 as one yeeres  
 rent.

12 Also if a Copiholder die sole seised of any  
 lands or Tenements to holden, his heire be-  
 ing of the age of fourtene yeeres, then he shall  
 pay a fine unto the Lord, and doe fealty, and be  
 admitted Tenant: but if the heire be within the  
 age of 14. yeeres, then some Gardian shall be  
 admitted to occupy his Copihold, and to pay  
 and

A Copiholder  
 dieth.

## Court Leet,

and to doe his service due for the same; that is to say, if Lands descend from the father, then the mother or some of her next kin shall have the occupation of the same lands, untill the heire be of the age of fourtene yeeres, and they shall pay a little fine for the gardenship, and the heire at his entrie shall pay the whole fine, you shall enquire thereof and present the same.

13 Also you shall enquire whether any Tenant which held by Socage Tenure, did make any Feoffment in fee to his use, and died seised of the use, his heire being within age, and no Will by him declared of the use, and present it: for the Lord shall have his relief, as well as if he had died seised of the same lands.

Whether any  
Freeholder  
hath aliened  
any of his free-  
hold lands.

14 Also you shall enquire whether any freeholder hath aliened or sold away his freehold lands or tenements, or any parcell of them, and present it: for he which hath bought the land, before he enter, ought to come to give notice unto the Lord that hee hath bought the same, and so the Lord shall know his Tenant, and in case where but part is sold, the service which the former paid unto the Lord, shall be appoynted, according unto the value of the lands sold and retained.

15 Also you shall enquire whether any which held

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held by Herriot service, or Herriot custome, died seised of any Lands or Tenements so holden, and present it, for the Lord shall have of every of their severall parts divers Herriots at their severall deaths: also if one man have two severall parcels of Lands holden by Herriot service, and by two severall titles, and dieth seised of the same, the Lord shall have after his death two Herriots.

Herriot service.  
Herriot custome.

16 Also you shall enquire if any Copiholder die seised of any Lands so holden, and present it: Also whether any Copiholder hath made any lease of his Copihold, or otherwile aliened or sold the same, and present it, for it is a forfeiture of his Copihold: for if a Copiholder will alien or sell away his Copihold, hee ought to come into the Court and surrender the same into the hands of the Lord, to the use of him which shall have the estate, or else out of the Court hee ought to surrender it unto the Bailiffe, or to some of the Tenants of the Lordship, to the use of him which shall have the estate, and they to whom the surrender is made, ought to present the same at the next Court, and then pay his fine for the same, and take it to his use in the Court, and doe his endeavour to be admitted, and if he be not at the same Court, then the Lord shall have the meane profits of the same lands, all the rent

Whether any Copiholder dieth seised of any such lands.

How a Copiholder ought to surrender his Copihold.

D services



## Court Leet,

serVICES and reparations being deducted, untill he be satisfied for his fine, according to his dutie.

Whether any  
Copiholder  
hath made  
any surrender.

17 Also you shall enquire if any Coptholder hath made any surrender of his Copthold, or any part thereof sithence the last court day, or before, and present it: and into whose hands it was made, & in whose presence, or to whose use: for at every surrender the Lord ought to have a fine, and the partie into whose hands the surrender is made, ought to come to the next Court, and present the same, and to yield up and testifie the surrender into the Lords hands, to the use of the attende, according unto the trust reposed in him, or otherwile he forfeiteth his Copthold, except he have a reasonable excuse: for that he doth as much as he may to defeat the Lord of his fine, and also to defeat the other party to whose use the surrender was made. Nor. The party that receibed the surrender hath no right by it.

18 Also you shall enquire if any Tenant of the Lordship have given any lands into mortmaine, and present it.

Mortmaine.

19 Mortmaine is if a man give or sell any lands to any house of religion, or to any other which bee corporate by the Kings grant: also if one make a Feoffment upon trust to the use of an house of Religion, or to the use

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of a Guild or fraternitie Corporate, that is Mortmaine.

20 Also if one exchange lands or tenements with an Abbot, or other body Corporate, this is Mortmaine.

21 Also if a man of religion, or other body corporate, both hold of any man by Knights service, & he release unto him, this is mortmaine, and then the king or lord may enter, and shall have the same by force of the Statute in that behalfe made, viz. the next Lord if he enter within a yeere after the alienation, or in the Lords default, the king: you shall therefore present them that have given any lands or tenements in mortmaine, and when the same was done.

A Statute made thereof, that the King or Lord shall have the same.

22 Also you shall enquire whether any tenant for terme of life, or yeeres, or any Coptholder of this lordship, hath made any waste, or suffered any waste to be done upon their lands or tenements, yea or no.

Waste.

23 Waste is when any Tenant for terme of life, yeeres, or any Coptholder pulleth downe any house, or cutteth downe any timber trees, or suffereth the house willingly to fall, being on their Copie Tenements, or if any of the Tenants plow up any meadow ground, or if they suffer any Wall or Pale which were covered, to be uncovered, by reason whereof the same Wall or Pale doth fall

What waste is, and how the same is done.

## Court Lect,

in decay, or if any of them digge coales, chalk, or sand, or make any Mines in their grounds, then they make waste. And if they fell a tree to the value of three shillings foure pence, this is admitted waste: But if a man cut downe timber to repaire the old houses which stand upon parcell of the same ground, and there-with doth repaire them, then it is not waste; but if hee with the timber build a new house, then the cutting downe of such timber is waste: And if he cut downe any timber to sell, to repaire such houses which are fallen in decay, such is waste. But if waste be done with a tempest, no tenant shall be punished for such waste: but if waste be done by any danger, the tenant shall be punished for such waste: Also it is no waste to fell in seasonable time such trees as have beene felled within xx. yeeres befoze: but if the Tenant cut downe such trees to burne upon their Tenements, where they have wood sufficient, this is waste. Also a Coptholder may not cut downe wood to sell, but hee may to burne, upon his Tenement, or to make reparations as aforesaid.

Whether any Tenant in possession died seised without any heire.

24 Also you shall enquire whether any Tenant in possession or reversion died seised of any Lands or Tenements holden of this Lordship, having no heire at the time of his death, yea or no, and present it, for then the

Lord

Lord shall have the land holden of him by Escheate. You shall understand, that none shall have lands in fee simple as heire unto any man, unlesse hee be heire of the whole blood: for if a man have issue two sonnes by divers women, and dieth seised of the same land, and the eldest entred and dieth without issue, the yongest shall not have the land as heire unto his brother, because hee is of the halfe blood, but some other heire of the Fathers side shall inherit the same land; and if he have no heire on the Fathers side, then the next heire on the Mothers side shall not have the land, but the Lord of whom the land is holden shall have the land by Escheate: and so when land descendeth on the Mothers side, the heire on the Mothers side shall inherit, and not the heires of the Fathers side. And you shall understand, that a Bastard can never be heire unto any man, nor yet have heire unto himselfe but his children: therefore if any Bastard die without issue, or any other Tenant have died seised without heires, you shall present it.

A Bastard may not inherit.

25 Also you shall enquire if any Tenant was seised of any Lands or Tenements, and was put out of his land by one which had no rightfull title, and afterward died without any heire, the Lord shall have his Escheate as well as if his Tenant had died seised.

Whether any Tenant died being put out of his lands by one which had no right.

## Court Leet,

Petrie treason,  
felonie, or  
murder com-  
mitted by any  
Tenant, for  
which he was  
hanged, or had  
judgement to  
be hanged.

26 Also you shall enquire whether any Te-  
nant of his Lordship hath committed any pe-  
tie treason, felonies, or murders for the which  
he was hanged, or for the which he had judge-  
ment to bee hanged, though afterward he died  
by the act of God, or prayed his Clergie, and  
was allowed it, and delivered to the Ordinary  
besore the statute made in the 18. yeere of Q.  
Elizabeths raigne, or else since that Statute  
was burned in the hand, and delivered out of  
prison according to the statute, for by that  
judgement he was attainted, and the Lord en-  
treth to the Escheat of his lands, and therefore  
if any such be, present it. And whether any te-  
nant hath committed any pettie treason, selo-  
nie, or murder, for the which he hath abused  
the land, or for the which he was outlawed, or  
for the which he was beheaded, or for the which  
he was overcome by wager of battell upon  
an appeale, or in the combat put to death, and  
present it: for in all these cases the Lord of  
whom the lands are holden, shall have the  
lands by Escheat, and also the Evidences con-  
cerning the same.

Whether  
there be any  
rents lost, or  
services with-  
drawne.

27 Also you shall enquire if there be any  
rents, customes, or services withdrawne from  
the Lordship, which of right ought to be done,  
and present it: and what rents, customes, and  
services they are, and by whom they are with-  
drawne,

ozatone, and where the land lieth out of which they be due, and who holdeth the same, that the Lord may have his remedie for the arrerages thereof.

28 Also you shall enquire whether the Coptholders oz the farmers of this Lordship doe uphold and repaire their Tenements, yea oz no, and present the same: you shall understand that every Tenant is bound to thre things: First, that he be true Tenant to his Lord: secondly, that he sufficiently repaire his Tenements: and thirdly, that he pay and doe all suits, customes, and services at his dayes assigned: for he take upon him so to doe when he did his fealty, and if he doe not pay his suits, customes, and services, the Lord shall have good remedy, and recover the same with his damages: and if he be a Coptholder, and doe the contrarie, hee doth forfeit his Copthold.

Whether the Tenants doe uphold or repaire their Tenements.

29 Also you shall enquire if any Tenant of this Lordship which is bound by reason of his Tenure to doe suit unto the Lords Mill, do the same, yea oz no, and present it: and whether any have used to withhold their suit from the Lords Mill, in not grinding their corne there, yea oz no, and present it.

Whether any Tenant have withdrawn his service.

30 Also you shall enquire whether any waif oz stray is oz was within this Lordship, and whether the Lord bee answered of the same,

Waife and stray.

## Court Leet,

yea or no : if not , present by whom they are conveyed away : also you shall enquire if any Herriot be conveyed away, yea or no, and present it, and by whom.

What a Waife

31 A Waife is, if a Thiefe upon buy and cry and pursue after him, or otherwise to ease himselfe of his carriage, without buy and cry doth Waife his goods, that is to say, doth leave and forsake his goods which he hath stolne, or any parcell of them, by reason whereof the King or any other Lord or officer in his right or in his owne right do seise the goods : in those cases the goods so seised are called Waifes: and the same law is, if any officer take any goods of a Thiefe, suspecting that he hath stolne them, though there be no pursuit made : and in these cases, the King or else the Lord, by reason of a grant made by the King, or by the prescription, shall have the goods so waifed, if the owner of them doe not make fresh suit after the thiefe to attaint him for stealing of the same goods ; which fresh suit if hee make, he shall have his goods againe, though they be waifed, but then he must sue an appeale, or else procure the party to be indicted and convicted by evidence at his pursuit, according to the statute made 21. H.8. cap. 11.

What an Estray is.

32 An Estray is, when an Horse, Mare, Ox, Sheepe, or other Beasts, are in the  
Lord



Lordship, and no man knoweth the owner of them, they shall be seised unto the use of the King, or to the Lord which hath such an estray by the King his grant, or by prescription, and if the owner come and make claime within a yere and a day, then hee shall haue it againe, or else after the yere and the day, the proper- tie thereof shall be to the King, or else to the Lord which hath the same by grant or pre- scription, so that the Lord make Proclamati- on thereof, according to the Law, in the next markets, and in the Church.

33 Also you shall enquire, whether any Rescous.  
person haue made rescous against the Lord, or any other officer, and present it.

34 Rescous is when the Lord distraineth in the land holden of him for his rent, or serbices behind, or if the Lord come upon the lands and would distraine, and the Tenant or some other will not suffer him, that is rescous: also if the Lord distraine for serbice behind, or for damage lesant, and in driving cattell to the pound, the beasts enter into the house of the owner, if in such case he that distraineth doth pray deliberance, and the possessours will not delibere them, that is a Rescous, therefore you shall present it, if Rescous haue bene made.

35 Also you shall enquire whether any per- Breach of  
son hath broken the Lords pounds, that is, to pound.  
have



## Court Lect,

habe taken away a distresse put in, yea or no, and present it. You shall understand, that if the Lord doe distraine any Tenant for rent, or service behind, hee may impound the same distresse in a common pound if he will, or in his owne ground, or in his neighbours if hee will, by the licence of his neighbour, and all those places in which the Lord doth impound any cattell, are called the Lords pound: but alwaies when another doth impound any distresse in his owne pound, or in his neighbours, it behobeth him to give notice to the other party, so that if the distresse bee quicke hee may give it meat, and then if the beast die for want of food, he that was distrained shall be at the losse, and then he that distrained before may distraine againe for the same rent or dutie.

Whether any Tenant hath let any frame fall to decay, viz. not maintained husbandry as before.

36 Also you shall enquire if any Tenant of this Lordship hath let any farme or house fall into decay, which at any time sithence the first yere of the reigne of H. 7. hath bene let with twenty acres of land being in tillage, yea or no, and present it: so if they suffer their houses to fall into decay, the Lord may take and distraine for halfe of the issues and profits of the same, and keepe them to his owne use, untill such time as the houses shall be sufficiently builded and repaired, that is to say, main

maintained againe for husbandrie. This was by the Statute 4. H. 7. which is now repealed by 39. El.

37 Also you shall enquire if any inhabitant of common have overcharged the common or highwaies, or your common fields, by putting in more cattell than they ought to keepe, and whether any of them have put their cattell in any their commons aforesaid, before the dates agreed upon, and present it, for the Lord of any commoner (as it seemeth) may distraine the surplusage damage feasant, or else you may make among your selves orders and laws for your owne profit, that none shall doe upon paine of certaine penalties, &c. and by such laws the inhabitants and commoners shall be bound, &c.

VWhether have overcharged the common.

38 Also you shall enquire if any person have made any pits in the High-waies, and whether any person doe commonly use to breake hedges, and to suffer Hogs to goe unyoked, or unringed, to the annoyance of their neighbours.

VWhether pits be made in the high-waies. Breakeing of hedges. Hogs unyoked or unringed.

39 Also you shall enquire whether any person hath strained or stopped any waies, water, ditches, pathes, or turned any of them into a wrong course, and present it.

Stopping waies, water &c.

40 Also if any have encroached any land of the Lord; that is to say, land, meadow, pasture, wood, heath, moor, or any other vacant land

VWhether have encroached.

## Court Leet,

land without licence of the Lord, by setting of his hedge, pale, or otherwile, and present the same.

41 Note that all the vacant and waste land within the Manour, is to the Lord of the Manour.

42 Also you shall enquire where any person have ared, plowed up, or removed away any Dêre-markes, balks, or limits between one pèce of land and another, and present it.

43 Also you shall enquire if any have stalked with a bush or beast to kill Dêre which is in the Lords chase and parke, and present it.

44 Also you shall enquire if any person hath or keepeth away any evidences, charters, or Court rolls, customarie terrars, or any other evidences which concerne the Lordship, or any parcell thereof, yea or no, and present it.

45 Also you shall enquire if any person have fished, fowled, hawked, or hunted in his Lordship or Lords warren, and present it.

46 Also you shall enquire if any person have taken any lesants, or partridges, with net, snare, or other engine upon the freehold of the Lord of this Manour, and present it.

47 Also you shall enquire if any person have taken away the egges of the Lords swans out of their nests, and present it.

48 Also you shall enquire if any lands of the  
Lords

Whether any  
re removed  
markes.

Whether any  
e stalked  
h bush or  
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Whether any  
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Whether any  
re fished,  
wled, haw-

Whether any  
re taken a-  
fclants, &c.

annes or  
annes eggs.

Lords be kept backe, or occupied by any without the licence of the Lord : also what land it is, and how much land hath bene so occupied, and of what value by the yere the same is, and present it.

Concealed  
land.

49 Also you shall enquire whether the Lord have any Villaine within his Lordship, and what goods, cattels, and lands he hath, what estate he hath, that the Lords may selle thereupon : also what other things he hath : also if any Villaine carry his goods out of his Lordship without licence of the Lord : or if any freeman espouse a Peisse without licence of the Lord, you shall present the same. Note, if a villaine purchase land, and doth alien the same to another before the Lord enter, then the Lord after shall not enter : otherwise it is if the Lord enter before the alienation of the Villaine : the same law is of goods, but the Lord may not selle the goods that the Villaine hath as Crecutour.

Whether the  
Lord have  
Villain with  
the Lordship

50 Also you shall enquire if any trespassse be done in any of the Lords liberties, viz. in his corne, grasse, meadowes, pasture, woods, hedges, waters, or ponds : or if any take henns, swarmes of Bees, or any Watokes, or ayrie of Watoks, or such like trespassse, and present them.

Trespasse in  
the Corne,  
Grasse, &c.

51 Also you shall enquire if any land be inclosed,

## Court Leet,

inclosing  
severalty  
lands with-  
out licence of  
the Lord, &c.

Copiholder  
may not let  
longer than a  
year and a  
day.

Whether any  
be outlawed.

Granting  
greater estates.

Whether the  
Bailiffe and o-  
ther Officers  
do execute  
their Office.

Whether the  
default and  
complaints be a-  
ttended.

inclosed, and the same kept in severalltie; which  
ought to lie open, without licence of the Lord  
and other freeholders, you shall present the  
same, for that no Tenant of the Lordship shall  
lose the Common in the same.

52 Also if any Copiholder let his Copihold  
land for longer time than a year and a day;  
without licence, except it be by custome that  
he may let for longer time, and if he doe, it is a  
forfeiture, and present the same.

53 Also you shall enquire whether any Te-  
nant of this Lordship hath bene out-lawed in  
any action of Trespass, or other action, and  
present it, and whether the Lord be answered  
of his goods and Cattels, yea or no, and pre-  
sent the same.

54 Also you shall enquire whether any Te-  
nant for years, or life, have granted any grea-  
ter or larger estate than they had in their  
lands, or tenements, yea or no, and present it,  
for that is a forfeiture of their estates.

55 Also you shall enquire if the Bailiffe,  
Headborough, Constable, and Harward, and  
all other Officers, have well and truly execu-  
ted their Offices, yea or no, and present it.

Note, Headborough nor Constable be not  
to present in a Court Baron.

56 To conclude, you shall enquire whether  
all the defaults and plants that were presen-  
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ted at the last Court be sufficiently amended, yea or no, and whether all the orders and laws heretofore made bee observed and kept, yea or no, and present it. And further, you shall enquire for all things which in your consciences you thinke ought to bee searched and enquired of, and by the oaths that you have taken you shall truly and diligently enquire of all the premises, and plainly, without concealing of any fault, bring in a true verdict in writing, subscribed with your owne hands, sealed with your seales, by such an houre, or as soone as you can.

It is needlesse but in case of Felonie for to deliver their verdict sealed, and then it must be indented: but it is convenient to have it in writing, written or subscribed by them, or one of them, but not necessarie: But to avoid the blame, ignominy, or slander the Steward might incurre, if they did after deny their doings.

57 And finally, if you shall know any thing that ought to be presented to the Lords advantage, you shall doe us to wit by the oath that you have made, and bring us in a true presentment. And now you may depart and enquire of your charge, having a regard of your oaths.

Finis de le charge de Court Baron.